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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,970	12/02/2005	Staffan Schager	1816	4054

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EXAMINER

MITCHELL, JOEL F

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/540,970

Applicant(s)

SCHAGER, STAFFAN

Examiner

Joel F. Mitchell

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/29/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "A" and "17" in Fig. 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: "fulfill" is misspelled as "fulfil" on line 3 of paragraph 0005 and Fig. 2 is more relevant than Fig. 3 in paragraph 0015.

Appropriate correction is required.

Claim Objections

3. Claim 6 is objected to because of the following informalities: "an" is incorrectly used instead of "a" proceeding "hydraulic piston-cylinder device". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The term "generally" in claim 1 is a relative term which renders the claim indefinite. The term "generally" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The longitudinal direction relative to the tractor has been rendered indefinite.

7. The term "substantially" in claim 1 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The degree to which the lifting arms are parallel has been rendered indefinite.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Shelby (US 3,198,357).

10. With respect to claim 1, Shelby discloses a loader for agricultural tractors equipped with hydraulically maneuverable, parallel lifting arms (36, 38) which are pivotally mounted at the rear part of the tractor together with a center attachment member (50, 52, 54) between the lifting arms, said loader comprising:

two parallel loader arms (40, 42, 32, 98, 100, 28; 44, 46, 34, 102, 104, 30) including means for attachment (124, 126) of the loader arms to respective tractor-mounted lifting arms to extend rearwardly in a generally longitudinal direction relative to the tractor;

a hydraulically extendable center rod (12, 20, 22, 78) including an inner end (48) for connection with the center attachment member and that extends outwardly from the center attachment member substantially parallel with the lifting arms;

wherein outer ends of respective loader arms and an outer end of the center rod are adapted for connection to a working implement (26).

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11. With respect to claim 2, Shelby discloses a loader, wherein the loader arms are inclined upwards (Figure 1, in the lifted position where 20 is retracted into 12) in a region (94, 96) outwardly of and close to an outer end of a respective lifting arm.

12. With respect to claim 3, Shelby discloses a loader, wherein respective loader arm outer ends and the outer end of the center rod include attachment means (60, 62, 66) for attachment to a working implement.

13. With respect to claim 4, Shelby discloses a loader, wherein the inclination of the loader arms relative to the lifter arms is adjustable (about 94 and 96, Figure 1).

14. With respect to claim 5, Shelby discloses a loader, wherein the connecting means included at the outer ends of respective loader arms include a pivot (60, 62) adapted to pivotally support the working implement and wherein at the outer end of the center rod is a pivot joint (68) adapted for pivotal connection to the working implement.

15. With respect to claim 6, Shelby discloses a loader, wherein the center rod includes along its length a hydraulic piston-cylinder device (12, 20) which functions to change the length of the center rod.

16. With respect to claim 7, Shelby discloses a loader, including spaced attachment points (58) at the outer end of the center rod for co-action with one of an attachment arm and the working implement, wherein the attachment points are spaced at mutually different distances from the inner end of said center rod.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shelby as applied to claims 1-7 above, and further in view of Hare (US 4,103,796).

19. Shelby discloses a loader, wherein respective loader arms extend below respective lifting arms and abut an underside of a respective lifting arm (40 and 42 abut 36, 44 and 46 abut 38). Shelby does not disclose a loader wherein inner ends of respective loader arms are secured to a respective lifting arm by means of one of cotter pins and split pins. Hare discloses a bucket attachment wherein inner ends of respective loader arms (55a, 55b) are secured to a respective lifting arm (14, 16) by means of cotter pins (68).

20. Shelby and Hare are analogous because they both disclose rear tractor-mounted implements that suspend and control buckets. It would have been obvious to one of ordinary skill in the art at the time of the invention to use cotter pins to attach the loader arms of Shelby's loader to the lifting arms of the tractor. The motivation would be to allow for quicker and easier installation and removal of the loader from the tractor.

Conclusion

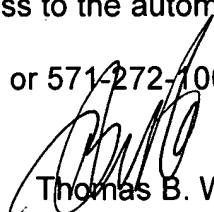
21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Webb (US 2,499,550), Richey (US 2,624,481), Stedman (US 3,876,101), Kalif (US 4,345,871), and Gregory, Jr. et al. (US 6,663,338).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joel F. Mitchell whose telephone number is (571) 272-7689. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas B. Will
Supervisory Examiner
Group 3600

JFM
11/14/2006

Joel F. Mitchell
Examiner
Art Unit 3671